



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,577	12/26/2001	Harald Jakob	215641US0X	7950
22850	7590	10/29/2004		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER	
			LISH, PETER J	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,577	JAKOB ET AL.	
	Examiner	Art Unit	
	Peter J Lish	1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-11 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed 7/30/04, with respect to the rejections over James et al. and Klasen et al. have been fully considered and are persuasive. It is held that the applicant's reference to "dry" sodium percarbonate requires that the sodium percarbonate have a moisture content of zero. If, the moisture content of the sodium percarbonate is above zero, no difference is seen between the thermal treatment of the applicant and the drying processes of James et al. and Klasen et al. In view of this distinction, the rejections over James et al. and Klasen et al. have been withdrawn.

Applicant's arguments with respect to the rejection over Britchard have been fully considered but they are not persuasive. Applicant argues that the thermal treatment of the presently claimed invention does not include a step of coating. This is true, however, the process of the presently claimed invention does not exclude a step of coating. The advice of the examiner to use the claim language "consisting essentially of" was not incorporated into the claim in a manner that excludes a step of coating. In order to exclude a step of coating, the examiner suggests changing line 1 of the claim to read "a process consisting essentially of."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1754

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Britchard (US 4,421,669).

Claim 7 is a product by process claim limitation. There is no difference seen between the sodium percarbonate product of Britchard and that of the instantly claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-6, 8-11, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britchard (US 4,421,669).

Britchard teaches treating sodium percarbonate particles by fluidizing with a flow of air heated to between 55 and 120 °C for a period of between 10 and 20 minutes. The particles are additionally treated with a coating agent. It would have been obvious to one of ordinary skill at the time of invention to treat the sodium percarbonate particles at a temperature between 80 and 95 °C using the process of Britchard, because the temperatures fall within the disclosed range.

Britchard does not explicitly teach that the treatment takes place immediately after a drying step subsequent to production of the sodium percarbonate. It is expected that the sodium percarbonate of Britchard be dried prior to the thermal treatment step, because it is well known in the art that the production of sodium percarbonate requires a final drying step and because the

Art Unit: 1754

use of moist sodium percarbonate is not taught. Additionally, it would have been obvious to one of ordinary skill at the time of invention to perform the stabilizing treatment of Brichard immediately after the production of the sodium percarbonate granules in order to minimize the decomposition of the sodium carbonate, which is known to have low storage stability.

While Brichard does not explicitly teach that the active oxygen content of the sodium percarbonate is maintained, it is expected that this be the case, as no difference is seen between the treatment of Brichard and that of the instantly claimed invention.

While Brichard does not explicitly teach the manner by which the air is heated, it would have been obvious to one of ordinary skill at the time of invention to use any conventional means of heating air, such as the use of hot process, or flue, gas streams.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Lish whose telephone number is 571-272-1354. The examiner can normally be reached on 9:00-6:00 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



PL

STUART L. HENDRICKSON
PRIMARY EXAMINER